

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

CONSOLIDATED INDUSTRIES, LLC)
d/b/a WEATHER KING PORTABLE)
BUILDINGS,)
Plaintiff,)
v.) Civil Action No. 1:22-cv-01230-STA-jay
JESSE A. MAUPIN, BARRY D.)
HARRELL, ADRIAN S. HARROD,)
LOGAN C. FEAGIN, STEPHANIE L.)
GILLESPIE, RYAN E. BROWN, DANIEL)
J. HERSHBERGER, BRIAN L. LASSEN,)
ALEYNA LASSEN, and AMERICAN)
BARN CO., LLC,)

Defendants.

AGREED ORDER GRANTING MOTION TO COMPEL FORENSIC EXAMINATION

Before the Court is Plaintiff Consolidated Industries, LLC d/b/a Weather King Portable Buildings’ (“Weather King’s”) Motion to Compel (ECF No. 120) Defendants Jesse Maupin, Barry Harrell, Adrian Harrod, Logan Feagin, Stephanie Gillespie, Ryan Brown, Daniel Hershberger, Brian Lassen, and Aleyna Lassen (collectively “the Individual Defendants”) to produce their mobile phones and other devices and cloud-based accounts for forensic examination. Weather King’s motion is unopposed, and the parties have agreed to the protocol set forth herein. Therefore, the Motion to Compel is **GRANTED**. The forensic examination will proceed according to the following protocol to which the parties have agreed:

1. Repario Data is appointed to serve as the computer forensic vendor.
2. Within ten (10) days of entry of this Order, each of the Individual Defendants shall tender their laptop computers, desktop computers, cell phones, tablets, thumb drives, or other

portable electronic or storage devices identified in response to Weather King's discovery requests (collectively "Devices") to one or more persons designated by Repario and in the manner directed by Repario. By the same date, each of the Individual Defendants shall tender login information for each email and cloud-based storage account (i) identified by the Individual Defendants identified in response to Weather King's discovery requests or (ii) agreed by the parties to be at issue despite not having been identified in response to Weather King's discovery requests (collectively "Accounts").

3. Repario shall make a forensic image or "golden copy" of each cellular phone and hard drive of each Device and shall return each Device to the respective owner within two business days after the Device is tendered.¹ In the event that Repario is able to achieve this task remotely, it may do so.

4. Repario shall remotely collect all available data from the Accounts and discontinue any and all access to the Accounts after such collections have been completed.

5. Thereafter, Repario shall perform filtering and searches of the collected data based on parameters or search terms agreed upon by the parties and submitted in the first iteration to Repario within twenty-one (21) days of entry of this Order.²

6. Repario shall also search for communications between and among the Defendants and other specified individuals, as requested by Weather King.

7. Upon gathering the data requested by Weather King, Repario shall provide the data to Defendants' counsel.

¹ If Repario encounters difficulty with the extraction process, the parties shall work cooperatively to endeavor to resolve any issues and may seek the Court's intervention if necessary.

² The searches must be relevant to this lawsuit.

8. Within seven (7) days of receiving data from Repario, Defendants' counsel shall provide Weather King's counsel with responsive documents and a privilege log for any responsive documents withheld for privilege.

9. Repario shall also make determinations, as requested by Weather King, as to the circumstances in which data were downloaded or transferred to or from the device and in which data have been deleted and may attempt to recover deleted data.

10. Using the Individual Defendants' login information provided privately to the vendor, and with the Individual Defendants' participation in two-factor authentication where applicable, Repario shall also access the Individual Defendants' electronic messaging, cloud-based email, and cloud-based storage accounts to search such accounts and to recover data that they may have attempted to delete.

11. Repario shall not provide Weather King with any data extracted from the Devices or divulge the contents of any communications or other data ascertained from the Devices unless first approved by Defendants' counsel or the Court.

12. Consistent with the above, Defendants shall fully cooperate with Repario, including providing all logins and passwords, participating in any two-factor authentication required, and identifying relevant third parties' phone numbers and email addresses for conducting tailored searches.

13. As it is contemplated that additional searches may be needed as the litigation progresses, Repario shall retain the forensic images pending agreement by all parties or further order of the Court.

14. The parties shall meet and confer as it relates to any disputes that may arise. Any unresolved issues may be presented to Magistrate Judge York for resolution.

15. Although Weather King shall be responsible for Repario's expenses during the interim, the Court will reserve ruling until a later date concerning which party(ies) shall ultimately assume responsibility for Repario's expenses, including entertaining any motion by Weather King seeking reimbursement of these expenses in whole or in part.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: November 28, 2023

APPROVED FOR ENTRY:

/s/ David L. Johnson

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